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SECRETARY OF THE STATE  
CONNECTICUT

**Government Administration and Elections  
Committee Public Hearing  
February 22, 2013  
Testimony**

Good Morning once again to the GAE Committee – Chairman Musto, Chairman Jutila, and members. For the record, my name is Denise Merrill and I am Secretary of the State of Connecticut.

There are many bills on your agenda today, and many bills that affect the conduct and administration of elections in our state. In the interest of time, I would like to go through the bills that are most relevant to the Secretary of the State's office.

**HB 6111 "AN ACT CONCERNING THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT"**

This is a well-intentioned bill designed at improving the voting experience for members of the military serving overseas – who often find it difficult to cast a ballot and have that ballot counted in time for the election. This is a concept I am sure all of us can support. This particular bill would require the State of Connecticut to adopt the Uniform Military and Overseas Voters Act. My office is currently working with the Connecticut Bar Association on several changes to the bill that would enable us to support it.

Let me review the areas of the bill where we are seeking changes so we can support this legislation. In Connecticut, we have fully implemented the federal MOVE Act that made substantial improvements to voting for overseas military voters. That bill required, for example, the electronic transfer of absentee ballots to military personnel wherever they are, cutting the processing time for these

ballots by nearly a month. We are in full compliance with the federal Move Act in Connecticut.

Section 11 of this bill, which requires Connecticut to accept the Federal Write-in Absentee Ballot (FWAB). We are currently exempt from accepting the federal write-in ballot under the current Uniformed and Overseas Citizens Absentee Voting Act because we have a 90 day military ballot.

This gives overseas military personnel ample time to receive and complete their absentee ballots before an election. I feel strongly that if the federal government is giving us an exemption to the law, we should keep it because we have a more flexible voting system that works for our state. Because we have the 90-day absentee ballot, we are exempt from the requirement to provide military voters with the federal write-in absentee ballot, but we even provide that anyway. We do currently administratively accept the federal write-in ballot, but under our own terms. We like that flexibility and this bill would take that away

Section 3 of this bill appears to allow all persons – including those citizens living overseas who are not registered voters – to vote in all elections -- state, federal, AND municipal. This is at variance with what CT currently does which is to allow those ex-patriot non-registered voters to vote in federal elections only and only for federal offices using the federal write-in ballot. We feel strongly that only registered Connecticut voters should be able to vote in Connecticut elections – this is especially true for local elections. And it is still possible for a Connecticut resident living overseas to maintain residency for the purpose of voting, or register to vote while living overseas, which would allow that voter to cast a ballot for all offices.

Section 7 of this bill appears to require a more robust “electronic transmission system” for the military overseas ballots than we current have in place – which is an attachment to an e-mail. But we are not sure exactly what is meant by a more robust electronic transmission system. If you are talking about the system that Fedex uses to track its packages, that system is very complex and costly, and we would have to build it. That would require a significant fiscal note – we’re talking millions of dollars.

Sections 10 and 12 of this bill which allow absentee ballots to be mailed up to the date of the election and then allows for an indeterminate amount of waiting time for the ballot to be received. Currently, the deadline for all absentee ballots is the day of the election. This bill would require CT to extend the deadline for absentee ballots from the close of polls to the date at which the final canvass of vote is complete.

If we start allowing absentee ballots to be received and counted after Election Day, it could actually change who wins an election in some rare cases. At the very least it would certainly delay the certification of the election. The fact is, we do give the military a lot of lead time already to cast their ballots with our 90 day and 45 day ballots.

There needs to be some finality on election night. In addition, we really have no way of knowing when the ballot was completed. Yes the applicant is suppose to state that the vote was cast in a timely manner-no later than 8 pm Election Day-but somebody could vote after the polls have closed because the ballot postmarked can be after Election Day.

This has the potential to undermine the integrity of our vote counting and the absentee ballot process. There are other administrative issues as well that may be in direct conflict with various local charters dealing with referenda.

So if those changes in the bill could be made to address our concerns, I would be very happy to support passage of this legislation.

**Senate Bill 283 "AN ACT CONCERNING ON-LINE VOTING FOR MILITARY PERSONNEL SERVING OUT OF STATE"**

Again, I think everyone in this room supports the ability of our brave men and women in uniform – especially those serving overseas in places like Afghanistan – to vote and have their ballot counted.

I have two major concerns with this bill that prevent me from supporting it at this time. The first is that the language in this bill is very vague. It does not say what online voting is. I presume it will mean developing an on-line application where the soldier sailor airman or woman or marine can again have a secure login and actually select their ballot choices on the computer through a web-based application, as opposed to more generalized 'electronic transmission' system

An online application would be extremely complex and costly to develop. My other main objection to online voting of any kind at this time is that we simply do not have the technology to guarantee the security and integrity of that ballot and prevent tampering or hacking these votes that are submitted online.

We convened a public forum on this topic with the foremost experts in this field. This forum was televised; you can all see it by going to my website or on CTN. When we asked one of the top computer science experts in the country what it would take to make online voting secure, he said: "Let me put it this way –

saying you can have secure online voting is like saying you can have safe smoking.”

Many people say, well, if we can do our banking online, why can't we vote online? And again I have posed that very question to the experts in the field and they have told me: The banking industry builds into their revenue forecast at least a 2-3% loss of funds every year due to fraud and hacking through online banking. They accept that as a cost of the convenience of online banking. Now when we apply that same model to voting, are you prepared to accept a loss of 2-3% of the votes cast online? I certainly will never be able to accept the loss of a number of votes due to fraudulent hacking – just in the name of convenience. With all of the improvements we have made to the methods available for military voters to cast ballots – I would not want to sacrifice the integrity of the votes of these brave men and women for the sake of more convenience.

Before allowing a new voting system to be enacted, I would need to be assured that no one could tamper with those ballots. And I would need to be able to look every Connecticut military person and their families in the eye and tell them that the vote of their loved one is secure and will be counted. And until I can do that, I will not be able to support this bill.

### **Senate Bill 668 “AN ACT CONCERNING THE TRAINING OF POLL WORKERS”**

This bill would remove the requirement that poll workers for Election Day be trained before every election. It would then only require poll workers to be trained once a year.

While I sympathize with the desire to reduce the municipal costs related to elections, doing it in this way can threaten the integrity of our elections, and let's face it – Democracy costs money. Finding trained poll workers to work on election is a challenge – any registrar of voters can tell you that. But if anything, our poll workers need MORE training, not less.

Some of the problems we experienced last November – that are currently being investigated by State Elections Enforcement – illustrate our need for more poll worker training. We had situations where poll workers were requiring more stringent forms of voter identification than our state laws prescribed, causing delays in voting. And that is just one example.

Also, a budget referendum is not the same as a primary or a general election, especially when federal candidates are on the ballot and there are different rules that apply to each election. For those reasons, I think it is a good thing to keep the

training of poll workers fresh in their minds, before each election. Therefore, I object to this bill.

Lastly, I would like to comment on **HB 6100 “AN ACT CONCERNING THE REGIONAL CONSOLIDATION OF CERTAIN FUNCTIONS OF ELECTION ADMINISTRATION.”**

I have not seen any detailed language for this bill but I appreciate the innovative, forward thinking that it represents. As with any government service we should always ask: can we do it better? More effectively? More efficiently? And so I look forward to seeing more details of this proposal.

Thank you very much and I would be happy to answer any questions.

